

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROSS DANIEL WALKER,	:
	:
Plaintiff,	:
	:
– against –	:
	:
BROOKDALE PLAZE UNIVERSITY	:
HOSPITAL AND MEDICAL CENTER and	:
BROOKDALE PLAZE, BROOKDALE	:
SECURITY COMPANY,	:
	:
Defendants.	:
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ANN M. DONNELLY, United States District Judge:

On April 11, 2022, the *pro se* plaintiff filed this action, alleging that he was assaulted in the lobby of the Brookdale University Hospital Medical Center. (ECF No. 1.) On April 20, 2022, I granted the plaintiff’s application to proceed *in forma pauperis*, and dismissed the complaint for lack of subject matter jurisdiction. (ECF No. 4.) I also granted the plaintiff leave to amend the complaint within 30 days of the order. (*Id.*) On May 10, 2022, the plaintiff filed an amended complaint. (ECF No. 7.) While the amended complaint provides some additional information (*see id.* at 12-13), it fails to provide a basis for subject matter jurisdiction, or correct the deficiencies set forth in the Court’s April 20, 2022 Order.

Accordingly, the action is dismissed without prejudice for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(h)(3), and for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45

(1962). The Clerk of Court is respectfully directed to enter judgment, and to mail a copy of this order to the plaintiff and note the mailing on the docket.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
May 16, 2022